

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 1-14-41430-ess

PORTO RESOURCES LLC,

Chapter 11

Debtor.

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**ORDER APPROVING SALE OF REAL ESTATE PROPERTY LOCATED AT  
517 WEST 158<sup>TH</sup> STREET, NEW YORK, NEW YORK 10032**

**UPON** the Application of Porto Resources (the “Debtor”) and Debtor-in-Possession, and upon the Affirmation of Michael L. Previto, as Debtor’s Counsel, and upon the proposed Contract of Sale (defined below), and upon shortened notice to all interested parties that was deemed sufficient by this Court, and this matter having been heard on the 2<sup>nd</sup> day of October 2020 and there being no opposition, and after due deliberation and sufficient cause appearing therefore therefor, it is hereby further

**ORDERED** that the Debtor’s contract of sale (the “Contract of Sale”) with Monachan Mathai, Murtajur Rahman and Thomas George (the “Contract of Sale Purchasers”) for One Million, Two Hundred Thousand Dollars (\$1,200,000.00), for the sale of the property commonly known as 517 West 158<sup>th</sup> Street, New York, New York (the “Property”), is hereby approved as follows:

- (a) The purchase price of \$1,200,000.00 and is “all cash,” without financing;
- (b) the down payment will be a minimum of \$80,000.00, which is now held in escrow at Debtor’s Counsel’s Citibank IOLA account, under account number XXXXX5847;

(c) the sale is subject to good title being passed;

(d) the closing of the Contract of Sale will occur on or before November 14, 2020 (time being of the essence) (the “Closing”);

(e) in accordance with the Contract of Sale, (i) the Property is being sold “as is” and “where is”, without any representations or warranties except as set forth in the Contract of Sale, (ii) the pre-petition violations owed to the City of New York in the total amount of approximately \$21,000.00, shall be paid at Closing, pursuant to the sole claim of the City of New York, thereby satisfying all claims and charges by New York City and State and will also include the terms of the Settlement Agreement (as defined and modified in the Plan), (iii) secured creditor Sunkyung LLC (“Sunkyung”) shall be paid at Closing the sum of \$1,100,000.00, plus per diem interest at the rate of \$165.00 per day for the period November 1, 2020 through and including the date of the Closing, provided however, if the Closing occurs and Sunkyung is paid in full prior to November 1, 2020 then no such additional per diem interest will be owed, and (iv) the balance of any amounts that may be due and owing to Attorney Robert M. Brill, Esq., the duly appointed Receiver, shall be paid at the Closing, or as soon thereafter as practicable;

(f) all appropriate and reasonable title charges and filing fees incurred at Closing are to be paid after this transaction is completed;

(g) the attorney fees to be approved by this Court ~~at some date~~ are to be paid after this transaction is completed; and it is further

**ORDERED** that the sale of the Property owned by the Debtor and Debtor-in-Possession for the purchase price is hereby approved pursuant to Section 363 of the Bankruptcy Code in accordance with the terms and conditions stated hereunder; and it is further

**ORDERED** that pursuant to 11 U.S.C. §§105(a), 363(b), (f) and (m), the Debtor is authorized and is empowered to sell and the Purchasers are authorized to accept the Property free and clear of any and all mortgages, liens, lis pendens, pledges, cure orders, work orders, charges, penalties, violations, encumbrances, or other security interest or interest of any kind affecting such asset or liens, claims (as such term is defined in Section 101(5) of the Bankruptcy Code) and encumbrances of any kind or nature (the “Liens”), and any such liens that may attach to the proceeds of sale subject only to the City of New York’s sole claim above (Claim No. 1-1), to the same extent and with the same priority as they existed on the date on which the Debtor filed the instant Bankruptcy case and subject only to covenants and the restrictions of this Order only, for the purchase price, and that there shall be no transfer tax paid to the City and the State of New York pursuant to the confirmed plan and 11 U.S.C. § 1146; and it is further

**ORDERED** that in the absence of a stay pending appeal, the Purchasers shall be entitled to the protection of 11 U.S.C. §363(m), or any authorization contained herein in its entirety on appeal, provided further, that the purchase of the Property by the Purchasers constitutes a good faith purchase for fair value within the meaning of 11 U.S.C. §363(m); and it is further

**ORDERED** that the fourteen-day stay provided for in Bankruptcy Rules 6004(h) and 6006(d) shall not be in effect and pursuant to Bankruptcy Rule 7062, this Order shall be effective and enforceable immediately upon entry; and it is further

**ORDERED** that each, and every federal, state and local government agency or department is hereby directed to accept any and all documents necessary and appropriate to consummate the sale of the Property as outlined hereinabove and a copy of this Order may be filed in any place where state, federal or local law permits filing or recording; and it is further

**ORDERED** that the Debtor is authorized and empowered to execute such documents, ~~enter into~~, and to take such actions as are necessary to: (i) effectuate a the sale of the Property to the Purchasers; (ii) implement the terms of this Order; and (iii) effectuate the Closing of Title to the Property, including, without limitation, executing a Deed of Sale and such other documents as may be necessary to transfer the Property to the Purchasers, and paying and satisfying from the proceeds of sale as stated herein above, all costs relating to the sale of the Property, including all normal and customary Closing costs; and it is further

**ORDERED** that a true copy of this Order shall be served on the ~~contract vendee~~ Purchasers and all other interested parties.

**Dated:** Brooklyn, New York  
October 6, 2020



  
Elizabeth S. Stong  
United States Bankruptcy Judge